



## TOGETHER WITH TOSHA

TENNESSEE DEPARTMENT OF LABOR & WORKFORCE DEVELOPMENT

DIVISION OF OCCUPATIONAL SAFETY AND HEALTH

SUMMER 2002

### THE TENNESSEE RIGHT-TO-KNOW LAW

Don't forget that Tennessee has its own law, called the Tennessee Right-To-Know (RTK) Law, regarding use of hazardous chemicals in the workplace. The requirements are basically the same as the Hazard Communication Standard, 29 CFR 1910.1200 and 1926.59. There are, however, a few requirements of the Right-To-Know Law that you need to be aware of because you are expected to be in compliance with them.

While the hazard communication standard requires that employees be given information and training on hazardous chemicals in their work areas before they begin working with the chemical(s), the Tennessee RTK Law requires that this training be repeated "at least annually." In addition, the RTK Law requires that records of the training sessions be maintained by the employer for the employee's period of employment plus five years. Those training records must include the identification of the employee trained, the date(s) of the training, and a brief description of the training. Keep these records for the period of employment plus five years.

Other requirements of the Tennessee RTK Law that exceed those set forth in the hazard communication standards are as follows:

- Employers must file a workplace chemical list with TOSHA and update the list annually
- The workplace chemical list must be provided to the local fire department, along with the name(s) and telephone numbers(s) of knowledgeable representatives of the workplace who can be contacted in the event of any emergency
- Most employers must post an NFPA fire sign to warn firefighters of the chemical hazards that may be encountered at the facility

For a copy of the Tennessee Right-To-Know Law, call TOSHA at 1-800-249-8510, or visit [www.state.tn.us/labor-wfd](http://www.state.tn.us/labor-wfd), go to Safety in the Workplace, click on TOSHA, Procedures, Standards and Procedures, Rules, 0800-1, 0800-1-9.

### ERGONOMICS UPDATE

OSHA has not given up on ergonomics. Though an ergonomics standard has not been successfully implemented, ergonomic hazards remain a serious threat to the health and safety of the American workforce. Over the course of the last year, OSHA conducted three major public forums around the country and met

with scores of stakeholders, collecting hundreds of written comments and taking testimony from 100 speakers, including organized labor, workers, medical experts, and businesses. As a result, on April 5 of this year, OSHA renewed its efforts to protect workers from ergonomic injuries by unveiling a comprehensive plan designed to dramatically reduce ergonomic injuries through a combination of industry-targeted guidelines, tough enforcement measures, workplace outreach, advanced research, and dedicated efforts to protect Hispanic and other immigrant workers.

In an effort to move forward rapidly with this approach to ergonomics, OSHA, on April 9, 2002, named regional coordinators for ergonomics for each of its 10 regional offices to assist OSHA staff, employers, employees and other stakeholders with ergonomic issues. The coordinators all have considerable experience in identifying ergonomic hazards and suggesting practical solutions for common problems that may be associated with musculoskeletal disorders. Later U.S. Secretary of Labor Elaine L. Chao announced that the first industry-specific guidelines to reduce ergonomic-related injuries and illnesses will be developed for nursing homes. The draft guidelines are expected to be ready for public comment later this year. Then on April 30, 2002, John L. Henshaw, Assistant Secretary of Labor for Occupational Safety and Health, announced details about the formation of the National Advisory Committee on Ergonomics. The Committee will consist of 15 members, who will be selected for their expertise and/or experience with ergonomic issues. OSHA will accept nominations from interested parties for membership on the committee. The Committee will report to the Assistant Secretary of Labor for Occupational Safety and Health. The details of the nomination procedure are contained in a notice published in the May 2, 2002, Federal Register. Ergonomics is not dead. Stay tuned for further updates.

### RECORDKEEPING VIOLATIONS CITABLE NOW

The moratorium on citations for violations of the new recordkeeping rule has expired. TOSHA inspectors are now citing failure to meet the requirements of the rule. According to the new rule, you must place all recordable injuries and illness on the new OSHA 300 Log (unless you are exempt by size or standard industrial classification [SIC]) within seven calendar days of receiving information that a recordable case has occurred. You must also maintain your OSHA logs for the previous five years. Additional changes to recordkeeping requirements became effective on January 1, 2002, and are now citable. For more information visit OSHA's Web page at [www.osha.gov](http://www.osha.gov).

## *Together With TOSHA*

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Comments and suggestions are welcome. Inquiries regarding *Together With TOSHA* should be directed to the TOSHA Division Training Section: 615/741-5726



*Together With TOSHA* is a quarterly publication of the Tennessee Department of Labor and Workforce Development, Authorization No. 337227; 72,000 copies; \$.09 per copy. The Tennessee Department of Labor and Workforce Development is committed to principles of equal opportunity, equal access, and affirmative action. Auxiliary aids and services are available upon request to individuals with disabilities.

## **Ask TOSHA**

### **By what date must the use of safer medical devices be implemented in the workplace?**

The requirement to implement safer medical devices is not new. However, the revised bloodborne pathogen standard clarifies what is meant by "engineering controls" in the original 1991 standard by adding language to the definition section of the standard that reflects the development and availability of new safer medical devices over the last decade. The 1991 standard states "engineering and work practice controls shall be used to eliminate or minimize employee exposure." The revision defines engineering controls as "controls (e.g., sharps disposal containers, self-sheathing needles, safer medical devices, such as sharps with engineered sharps injury protections and needleless systems) that isolate or remove the bloodborne pathogens hazard from the workplace." Consequently, you should already have safer devices in place. If you have not already evaluated and implemented appropriate and available engineering controls, you must do so now. Also, employees with occupational exposure to blood and other potentially infectious materials must be trained regarding the proper use of all engineering and work practice controls.

You must use safer devices even if no employee in your workplace has ever experienced a needlestick. OSHA standards are intended

to be implemented as a means to **prevent** occupational injuries and illnesses. In order to most effectively avoid percutaneous injuries from contaminated sharps, employees must use engineering controls, including safer medical devices.

Non-managerial employees must be included in the process of choosing safer medical devices. Small medical offices may want to seek input from all employees when making their decisions. Larger facilities are not required to request input from all exposed employees; however, the employees selected should represent the range of exposure situations encountered in the workplace (e.g., pediatrics, emergency department, etc.). The solicitation of employees who have been involved in the input and evaluation process must be documented in the Exposure Control Plan. For assistance, call TOSHA or visit [www.osha.gov](http://www.osha.gov).

## **BEATING THE HEAT**

During 1999 alone, excessive heat exposure caused 34 worker deaths and 2,420 occupational injuries and illnesses involving days away from work, according to the Bureau of Labor Statistics. OSHA reported that five of the workers died from heat-related injuries during a single 14-day period between late July and early August. Who knows how hot it will get in Tennessee this summer, but it is true that excessive heat KILLS. Many workers, including those in foundries, laundries, bakeries, and restaurants, face hot working conditions year-round. For those who work outside, especially those working in heavy labor such as construction, roofing, and farming, the blazing summer temperatures can be particularly unforgiving. Here are some tips to preventing heat cramps (mild), heat exhaustion (more severe), and heat stroke (most severe) as the summer heats up in Tennessee.

- Drinking a cup of cool water every 15 to 20 minutes, even if you are not thirsty, is one of the best defenses against heat-related injuries. Avoid alcohol, coffee, tea, and caffeinated soft drinks that dehydrate the body.
- Workers should be assigned a lighter workload and longer rest periods for the first five to seven days of intense heat. Start the process over after a vacation or absence from the job.
- Wear lightweight, light-colored, loose-fitting clothing.
- Good air flow increases evaporation and cooling of the skin. So use general ventilation and spot cooling at points of high heat production.
- Train first-aid workers to recognize and treat the signs of heat stress and be sure all workers know who has been trained to provide aid. Permit workers to interrupt their work if they become extremely uncomfortable.
- Obesity, lack of conditioning, pregnancy, and inadequate rest can increase susceptibility to heat stress.
- Alternate work and rest periods, with rest periods in a cooler area. Schedule heavy work for the cooler times of the day.
- Monitor temperatures, humidity, and workers' responses to heat at least hourly.

Take some basic precautions and beat the heat this summer.

#### Did you Know That.....?

- Construction workers account for half of all fatal falls
- One out of 10 construction workers is injured every year
- 15% of all Workers' Compensation costs are for construction injuries.

## **WE'RE FROM THE GOVERNMENT & WE'RE HERE TO HELP**

Need something translated into Spanish? The OSHA Website has a link to a free translation Website where you can type in up to 150 words and the site will immediately translate that sentence into Spanish. This could be an invaluable tool for you to design training, information, and instructions for your Hispanic employees.

Just log onto [www.osha.gov](http://www.osha.gov), click on "T" in the index, then click on "Technical Links" and when that comes up, look up in the right hand corner of the Technical Links list where you'll see "translate." Left click on that, left click on the Website address on the external link disclaimer that pops up. Type a sentence in the box and get your translation.

Just a reminder—many of the standards require training...a helpful publication can be located by clicking on "P" in the index, clicking on "Publications," then downloading OSHA 2254 Publication "Training Required in OSHA Standards and Training Guidelines."

## **TOSHA TIPS**

**Condition:** An emergency action plan required by 29 CFR 157(b) was not in writing.

**Potential Effects:** Burns, smoke-related injuries and traumatic injuries from fire and explosion. Aggravation of emergency-related injuries and illnesses from lack of knowledge and preparation.

**Citation:** Prepare a written emergency action plan to ensure employee safety in case of fire or other reasonably foreseeable emergency. Train and drill employees. The plan should include the following elements:

- a. Escape procedures and exit routes
- b. Procedures for employees who remain behind to operate critical plant operations before they evacuate
- c. Procedures to account for all employees after the evacuation
- d. Rescue and medical duties
- e. Means of reporting emergencies
- f. Persons to be contacted for information or clarification
- g. A Training Plan - initial and refresher training subjects, statements defining the student population for each course, and a statement promising new training whenever the emergency plan changes.

Instructors should be designated by name or position.

## **ALL ABOUT TOSHA, PART 1**

Over the next several editions of this newsletter, this space will provide basic information about the workings of TOSHA. The purpose of the agency is to save lives, prevent injuries and illnesses, and protect the health of Tennessee workers.

The Williams-Steiger Act, sponsored by Representative William Steiger and Senator Harrison Williams, was signed into law by President Richard Nixon on December 29, 1970. OSHA was established in the U.S. Department of Labor in April of 1971. The Act allowed the states to assume responsibility for OSHA activities. Tennessee opted to do so, and TOSHA was established in 1972. Coverage of the public sector (state and local government) was included in 1974. Today 24 states and two territories operate state-run programs. Connecticut, New Jersey, and New York have state plans that cover public employees only. Federal OSHA provides coverage in states that do not opt for a state plan. State laws must be "as effective as" federal laws and may exceed federal requirements. In most cases, but not all, Tennessee adopts standards and regulations identical to the federal ones.

To serve the employees across the state, TOSHA has area offices in the following cities.

(615) 741-2793	-	Nashville, Tennessee
(423) 634-6424	-	Chattanooga, Tennessee
(731) 423-5640	-	Jackson, Tennessee
(423) 224-2042	-	Kingsport, Tennessee
(865) 594-6180	-	Knoxville, Tennessee
(901) 543-7259	-	Memphis, Tennessee

For assistance with occupational safety and health issues, call the area office closest to your workplace. In addition, you may call the Central Office in Nashville at 1-800-249-8510 or visit our Webpage at [www.state.tn.us/labor-wfd](http://www.state.tn.us/labor-wfd).



### ***DON'T FORGET . . .***

***to join us for the 25th Anniversary  
of the Tennessee Safety and Health  
Congress and Exposition  
July 21-24, 2002  
Gaylord Opryland Resort &  
Convention Center  
Nashville***

***For information call 615-741-7143, or  
visit our Website at [www.tnsafetycongress.org](http://www.tnsafetycongress.org)***

# Learn and Live

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An employee working for a carnival company was fatally injured when he was run over by the wheels of a forklift. The employee and coworkers were using a forklift to load parts of a carnival ride onto a truck to transport the ride to another city. As they were slowly moving a large basket of parts across a parking lot, the employee attempted to catch a ride on the forks. As he stepped up on the load, he stumbled, and the wheels of the forklift ran over him. Neither the injured employee nor the operator was trained on the rules against riding on a lift or the load. Riding moving loads was apparently common practice with these employees.

To prevent this accident from happening:

1. Strictly prohibit the use of materials handling equipment for the transportation of personnel.
2. Provide adequate forklift training for operators in the safe procedures and proper use of such equipment.
3. Provide employee training on the recognition and avoidance of unsafe conditions associated with the work environment, in particular, the hazards of working in the vicinity of moving equipment.